



**CITY OF SUNNYVALE
REPORT
Planning Commission**

August 23, 2004

SUBJECT: **2004-0359:** Application for a 7,175 square foot site located at **1674 Quail Avenue** in an R-0 (Low-Density Residential) Zoning District (APN: 313-40-003)

Motion Appeal of a decision by the Director of Community Development approving a Miscellaneous Plan Permit to allow a 96 square foot shed in the rear yard area.

REPORT IN BRIEF

Existing Site Conditions Single Family Home

Surrounding Land Uses

North Single Family Residential

South Single Family Residential

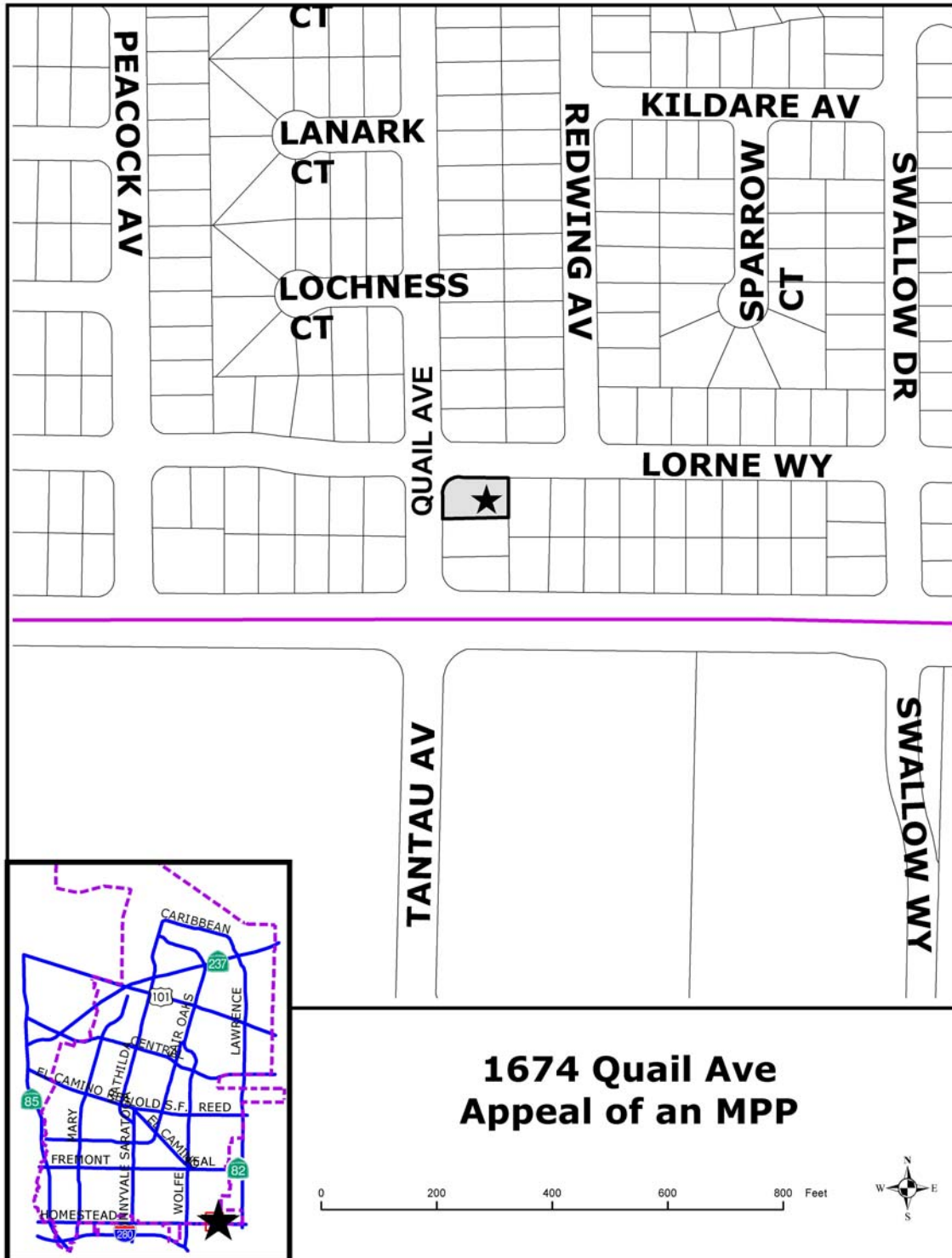
East Single Family Residential

West Single Family Residential

Issues Neighborhood Compatibility

Environmental Status A Class 3 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Deny the Appeal and uphold the decision of the Community Development Director to Approve the accessory structure with conditions.



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Residential Low Density	Same	RLO
Zoning District	R-0	Same	---
Lot Size (s.f.)	7,175 sf	Same	8,000 sf min.
Gross Floor Area (s.f.)	2,409 sf	2,505 sf (includes shed)	3,228 sf max. without public hearing
Lot Coverage (%)	34%	35%	45% max.
Accessory Building Height (ft.)	9'	9'	15' max. (by MPP)
Setbacks of Accessory Building			
• Reducible Front Yard (Lorne Way)	9'	9'	9' min.
• Rear	2'	2'	10' min.
Parking			
• Total No. of Spaces	4	Same	4 min.
• No. of Covered Spaces	2	Same	2 min.

ANALYSIS**Background**

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2004-0359	Current MPP application to allow a 9 foot high, 96 square foot accessory utility structure, located two feet from the rear property line	Approved MPP with conditions.	11/11/03

This accessory structure (shed) was brought to the City's attention by a resident who notified the Neighborhood Preservation Division. An Miscellaneous Plan Permit (MPP) is required for a shed higher than 6.5 feet and located closer than 10 feet to the rear property line. The shed was constructed without permits and the property owner filed a MPP application in order to

legalize the structure. No building permits are required for accessory buildings under 120 square feet.

The Community Development Director approved the MPP with Conditions of Approval on May 2004. The applicant is now appealing one of these Conditions. All MPP which are appealed are heard before the Planning Commission, whose decision is final.

Description of Proposed Project

The shed is currently set back approximately 7 feet from the reducible front yard (Lorne Way) and 2 feet from the rear property line. The MPP was approved with two conditions. First, to move the shed to be 9 feet from the reducible front yard property line, and second, to either, reduce the height of the shed to 7 feet, or to move the shed to be at least 7.5 feet from the rear property line. The applicant has appealed the 7.5 foot setback rear yard setback condition but has agreed to comply with the 9 foot reducible front yard setback condition. In order to be closer than 9 feet, the property owner must apply for a Variance.

Consistent with standard practice for accessory utility buildings proposed to be located within 10 feet of the rear property line, each foot in height over 6.5 feet, should allow an additional 3 feet setback from the rear property line. In this case, the shed is 9 feet high, which would require a setback of 7.5 feet. The applicant is proposing to keep the shed at 2 feet from the rear property line.

Environmental Review

A Class 3 Categorical Exemption for accessory structures relieves this project from California Environmental Quality Act provisions and City Guidelines.

Appeal of Miscellaneous Plan Permit

Use: The accessory structure is a shed used for storage of gardening items, as well as household goods in boxes.

Site Layout: The subject site is a corner lot located on Quail Avenue and Lorne Way. The shed is located 2 feet from the rear property line and 7 feet from the reducible front yard property line. The shed is partially visible behind an existing 6-foot fence from Lorne Way and the neighboring property.

Architecture: The shed is made of vertical wood siding with wood trim and has a composition shingle roof. The main residence has a stucco exterior finish with wood trim and wood shingle roof. The shed has been painted to match the house. Photos are located in Attachment #4.

The following Guidelines were considered in the analysis of the project architecture.

Single Family Home Design Techniques (Architecture)	Comments
3.10 Accessory Structures (B) <i>Accessory Structures should use the same wall, roof, and trim materials as the main structure</i>	The shed utilizes a similar style of architecture as the main structure. The roofing materials and siding are different colors, but the materials have similar colors.
3.10 Accessory Structures (C) <i>Doors and windows should be detailed to match the house.</i>	All door and window trim matches the main house.

Landscaping: The site complies with SMC landscaping requirements. The shed results in a slight loss of the existing landscaping on the site.

Parking/Circulation: The site meets parking standards for single-family homes located in the R-0 Zoning District with covered parking for two vehicles and two uncovered spaces. No modifications are proposed to the existing driveway or parking of the site at this time.

Compliance with Development Standards

On a site visit, staff noted that there is a fiberglass cover over the side yard patio area which has not been permitted. Neighborhood Preservation Division has contacted the property owner and will be working with them to bring this into compliance with SMC. The property meets all other development standards for homes in the R-0 Zoning District.

Expected Impact on the Surroundings

The shed is visible from one adjacent property fronting on Lorne Way and from the public street (Lorne Way). A reduced height of 7.5 feet would allow the existing fence to mitigate much of the visual impact of the structure from the surrounding properties and public view.

Comment on Appeal

The applicant has appealed this decision and requests approval to allow the 9-foot high structure to remain setback 2 feet from the rear property line. The applicant has stated that there will not be a significant visual impact as a

result of the shed's location in the rear yard. The applicant also stated that the adjacent property owner to the rear does not have a dispute with the location of this shed. This neighbor has submitted a letter of support for this project. (Attachment #3)

As noted in the "Description of the Project" section of the report, the Condition of Approval for the MPP is consistent with standard practice for accessory utility buildings that are proposed to be located within 10 feet in the rear property line. The MPP allows that for each foot in height of the building over 6.5 feet, there should be an additional 3 foot setback from the rear property line. The permit was approved for the shed to be 9 feet high at 7.5 feet from the property line, or 7 feet high if 2 feet from the property line.

Findings, General Plan Goals and Conditions of Approval

Staff is recommending denial of this Appeal because the Findings (Attachment #1) for this Miscellaneous Plan Permit cannot be made without the added Condition of Approval; however, if the Planning Commission is able to make the required Findings permitting the structure in its current location, staff is recommending the Conditions of Approval in Attachment #2.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• <u>11</u> notices were mailed to the adjacent property owners of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Deny the appeal of the Miscellaneous Plan Permit and uphold the decision of the Director of Community Development.

2. Grant the appeal of the Miscellaneous Plan Permit with the recommended Conditions of Approval.
3. Grant the appeal of the Miscellaneous Plan Permit with modified Conditions of Approval.

Recommendation

Recommend Alternative 1.

Prepared by:

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Project Planner

Reviewed by:

Fred Bell
Principal Planner

Approved by:

Trudi Ryan
Planning Officer

Attachments:

1. Recommended Findings
2. Recommended Conditions of Approval
3. Letter from Adjacent Neighbor
4. Photos of Accessory Structure
5. Site Plans

Findings – Miscellaneous Plan Permit

The Director or Planning Commission may approve any Miscellaneous Plan Permits, as it finds desirable in the public interest, upon finding that the project will either:

1. Attain the objectives and purposes of the General Plan of the City of Sunnyvale.

The accessory structure enables the applicant to utilize additional area for storage on the property. The shed is designed to match the architecture and styling of the main structure.

2. Ensure that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of adjacent properties.

At the approved height of 9 feet, the shed does not have a sufficient setback from the rear and side property lines to mitigate a negative visual impact to the street and to the adjacent property owner.

Recommended Conditions of Approval – Miscellaneous Plan Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. The Miscellaneous Plan Permit shall expire in one year as measured from the date of approval by the final review authority at a public hearing if not exercised.
2. This project must be in substantial conformance with the approved plans. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by the Director of Community Development.
3. The structure shall be moved to be 9 feet from the reducible front yard property line.